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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,453	08/30/2001	Thomas Jessop	21710-68036	7938

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BUCKLEY, MASCHOFF & TALWALKAR LLC  
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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
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3692

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09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/942,453

Applicant(s)

JESSOP ET AL.

Examiner

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-19, 23, 33, 34 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 23, 33, 34 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/942,453 filed on July 18, 2007.

The amendment contains original claims: 2-4, 6-12 and 15-19.

The amendment contains previously presented claims: 5, 13, 23, 33-34 and 45.

The amendment contains amended claim: 1.

Claims 14, 20-22, 24-32, 35-44 and 46 have been canceled.

### ***Claim Objections***

Claim 33 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 33 is a repeat of the language in the presently amended independent claim 1 and therefore offers no additional limitation of the subject matter of the previous claim.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13, 15-19, 23, 33-34 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

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subject matter which applicant regards as the invention. It is unclear how a financial product is constructed based on the previous steps as presented in independent claim 1. The previous steps of claim 1 relate to the display of relationships between entities. The final step cites constructing a financial product based on the selected and displayed information types, but there are no intervening steps describing the processes, steps, and methods that would be employed in order to construct a financial product from display data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-13, 15-19, 23, 33-34 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,721,713 B1 to Guheen et al. (further referred to as Guheen), in view of US Pub No. 2002/0158918 A1 to Feibush et al. (further referred to

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as Feibush), and further in view of US Patent 6,317,726 B1 to O'Shaughnessy (further referred to as O'Shaughnessy).

Regarding claim 1, Guheen discloses a method comprising:

Selecting a first corporate entity information type that defines a first corporate entity (Figures 1, 10, 11, 18, 27A-F, 29A; columns 1-2, 7-14);

Selecting a second corporate entity information type that defines a second corporate entity (Figures 1, 10, 11, 18, 27A-F, 31A; columns 1-2, 7-14);

Selecting a corporate entity relationship information type that defines a relationship between said first and second corporate entity information types (Figures 1, 10, 11, 18; 27A-F; columns 1-2, 7-14);

Displaying said information types in a graphical user interface view with predetermined indicia, the indicia graphically providing an indication of a connection between said first and second corporate entity information types (Figures 1, 8, 10, 11, 16, 18, 23B, 27A-F; columns 1-2, 7-14); and

Providing an alternation mechanism to dynamically change an information type, chosen from the group comprising corporate entity, corporate entity relationship, selection, grouping, arrangement and view type to be displayed in said graphical user interface view (Figure 21C, 27A-F, 87; columns 1-2, 7-14, 29).

Guheen does not disclose indicia graphically providing an indication of a strength of the relationship though Guheen does disclose comparing of the strengths and

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weaknesses of each individual entity (column 11). However, Feibush discloses indicia graphically providing an indication of a strength of the relationship (Figures 5-7; pages 1-4). It would be obvious to one of ordinary skill in the art to adapt the use of relationship strength as disclosed by Feibush to the method of pictorially displaying alliances among entities as disclosed by Guheen. The motivation would be to relate the entities' strengths and weaknesses as they contribute to an alliance, and how those strengths and weaknesses build-up or hinder the alliance.

Neither Guheen nor Feibush disclose creating a financial product based on the selected and displayed information types. However, O'Shaughnessy discloses creating a financial product based on the relationship between displayed information types (Abstract, Figure 17, column 18, lines 12-67). Given the combination of Guheen and Feibush, where Guheen discloses comparing and graphically depicting the strengths and weaknesses of individual entities as well as which services and products each provide, and Feibush discloses indicia graphically providing an indication of a strength of the relationship, it would be obvious to one of ordinary skill in the art to combine the use of creating a financial product based on database relational data which represents relative stock strength as disclosed by O'Shaughnessy with the selecting of products and services based on entity relational alliances data and the strengths therein as disclosed by Guheen and Feibush. The motivation would be that the alliances as disclosed by Guheen indicate which entities are strong individually as well as in an alliance with other entities; and Feibush provides a measure of strength between the

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entities; combining Guheen and Feibush with the selection method provided by O'Shaughnessy would result in the constructing of products based on known relationally strong entities which provides an indicator as to the potential success with the constructed financial product.

Regarding claims 2-13, Guheen discloses predetermined corporate entity information chosen from the group comprising corporate entities and corporate information; the group comprising buyer-seller relationships, customer-supplier relationships, company-client relationships, parent company-subsidary relationships, ownership relationships, resource sharing relationships, joint ventures, political/business relationships, competitor relationships, value chain relationships, horizontal and vertical relationships; selection and grouping information chosen from the group comprising stocks, bonds, financial instruments, sectors, industry segments, SIC codes, and product lines; arrangement information chosen from the group comprising column, row, grid, map, free-form, and structured; view type information chosen from the group comprising fundamental information, market risk information and performance information (Figures 1, 8, 10, 11, 14, 16, 17, 18, 21C-F, 23B-F, 27A-F columns 1-2, 7-14).

Regarding claims 15-19, Guheen discloses where corporate entity and corporate relationship indicia are chosen from the group comprising graphic, audio, video; graphic

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and corporate entity relationship indicia chosen from the group comprising color, pattern and shape (Figure 1, 11, 16, 22, 27A-F, 94; columns 1-2, 7-14).

Regarding claim 23, Guheen discloses where said alteration mechanism is chosen from the group comprising pointing device input, keyboard input and voice input (column 23).

Regarding claims 33-34, neither Guheen nor Feibush disclose creating a financial product based on the relationship between said displayed information types wherein the financial product is chosen from the group comprising market baskets of financial instrument, structured products, financial indices and mutual funds. However, O'Shaughnessy discloses creating a financial product based on the relationship between said displayed information types wherein the financial product is chosen from the group comprising market baskets of financial instrument, structured products, financial indices and mutual funds (Abstract, Figure 17, column 18, lines 12-67). It would be obvious to one of ordinary skill in the art to adapt the use of creating a financial product based on database relational data as disclosed by O'Shaughnessy with the selecting of products and services based on entity relational alliances data and the strengths therein as disclosed by Guheen and Feibush. The motivation would be that the alliances as disclosed by Guheen indicate which entities are strong individually as well as in an alliance with other entities, and which services and products each



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provide, and by selecting a product or service based on the relationships provides an indicator as to potential success with the product.

Regarding claim 45, Guheen discloses providing another information type chosen from the group of government entities, government information, financial entities, financial information, industry information, industry segment information, sector information, index information, personal entities and personal information, that may be displayed in said graphical user interface view, selected by said alteration mechanism and related to the other information types by said indicia (Figures 1, 8, 10, 11, 14, 16, 17, 18, 21C-F, 23B-F, 27A-F columns 1-2, 7-14, 23).

### ***Response to Arguments***

Applicant has argued that independent claim 1 does not teach "constructing a financial product based on selected and displayed information types", this claim limitation added in the present amendment. While the argument is moot based on the new grounds of rejection, those new grounds necessitated by amendment as noted, the Examiner will, however, address the argument. As detailed in the body of the rejection above, O'Shaughnessy discloses creating a financial product based on the relationship between said displayed information types. O'Shaughnessy discloses a computerized method of stock selection for a portfolio, where a variety of criteria are defined for the selection process and wherein results of the filtering are sorted and made available for viewing by a user. The criteria provides the method by which stocks are selected, and

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then the positioning of the stock is determined based on its sorted position relative to the other stocks which were selected. Thus, stronger choices are presented at the top of the list, and less strong choices are presented further down the list, and the weakest choices don't even make the list. This is a visual presentation of strength data between the stocks available for generating a portfolio.

Given the combination of Guheen and Feibush, where Guheen discloses comparing and graphically depicting the strengths and weaknesses of individual entities as well as which services and products each provide, and Feibush discloses indicia graphically providing an indication of a strength of the relationship, it would be obvious to one of ordinary skill in the art to combine the use of creating a financial product based on database relational data which represents relative stock strength as disclosed by O'Shaughnessy with the selecting of products and services based on entity relational alliances data and the strengths therein as disclosed by Guheen and Feibush. The motivation would be that the alliances as disclosed by Guheen indicate which entities are strong individually as well as in an alliance with other entities; and Feibush provides a measure of strength between the entities; combining Guheen and Feibush with the selection method provided by O'Shaughnessy would result in the constructing of products based on known relationally strong entities which provides an indicator as to the potential success with the constructed financial product.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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A handwritten signature in black ink, appearing to read 'Kambiz Abdi', with a stylized flourish at the end.

Kambiz Abdi

Supervisory Patent Examiner

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